



PUBLIC NOTICE

Federal Communications Commission
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DA 10-129

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OFFICE OF ENGINEERING AND TECHNOLOGY DECLARES THE WILLIAMS SOUND CORPORATION PETITION FOR DECLARATORY RULING REGARDING PART 15 AUDITORY ASSISTANCE DEVICES IN THE 72-76 MHZ AND 902-928 MHZ BANDS TO BE A "PERMIT-BUT-DISCLOSE" PROCEEDING FOR *EX PARTE* PURPOSES AND REQUESTS COMMENTS

ET Docket No. 10-26

Comment Date: February 26, 2010

Reply Comment Date: March 15, 2010

Williams Sound Corporation (Williams Sound) has filed a petition for declaratory ruling of Part 15 of the Commission's rules to clarify that Part 15 auditory assistance devices which operate in the 72-76 MHz and 902-928 MHz bands may be used to provide auditory assistance in support of simultaneous language interpretation – where the spoken words are translated continuously in near real time.¹ Williams Sound states that such a clarification would promote accessibility to all individuals who require auditory assistance, including those who benefit from simultaneous language translation.

Section 15.3(a) defines an auditory assistance device as an intentional radiator that is used to provide auditory assistance to handicapped individuals for auricular training in an education institution, at places of public gatherings, such as a church, theater, or auditorium, and to handicapped individuals, only, in other locations. Williams Sound requests that the Commission clarify that its Part 15 rules permit the use of auditory assistance devices in support of simultaneous language interpretation. Williams Sound states that the Part 15 rules, which expressly permit the use of auditory assistance devices by any individual in places of public gathering, cover such an interpretation, and the use of auditory assistance devices that support language interpretation in public locations simply offer equal access to individuals who cannot understand the language spoken by a presenter. It also states that the Commission should find the Part 15 definition of *auditory assistance device* to be consistent with the Part 95 definition of *auditory assistance communications*, which includes "simultaneous language translation."² Williams submits that such a

¹ See Williams Sound Corp. Petition for Declaratory Ruling to Clarify That Part 15 Auditory Assistance Devices May Be Used in Support of Simultaneous Language Interpretation, filed September 25, 2009. The 72-76 MHz and 902-928 MHz spectrum is occupied by a number of Federal, non-Federal, licensed, and unlicensed spectrum users, including Part 15 operations and fixed and mobile services licensees.

² Under Section 95.1009, low power radio stations may use the 216-217 MHz band for auditory assistance communications (including but not limited to applications such as assistive listening devices, audio description for the blind, and simultaneous language translation) for persons with disabilities, persons who require language translation, or persons who may otherwise benefit from auditory assistance communications in educational settings. See 47 C.F.R. § 95.1009.

clarification would create consistency between the Part 15 and Part 95 rules that govern auditory assistance devices and eliminate the confusion within the industry over the permissible uses of FCC-regulated auditory assistance devices. In addition, Williams Sound states that use of auditory assistance devices in support of simultaneous interpretation is beneficial because such use would aid the comprehension of impaired individuals who, along with amplification of the sound, require such interpretation.

The Commission's Office of Engineering and Technology ("OET") is reviewing the petition for declaratory ruling. OET has concluded that in order to develop a complete record on the complex issues presented by this request, it will treat this proceeding, for *ex parte* purposes, as a "permit-but-disclose" proceeding, in accordance with Section 1.1200(a) of the Commission's rules, and is subject to the requirements under Section 1.1206(b) of the rules.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/> or the Federal eRulemaking Portal: <http://www.regulations.gov>.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Effective December 28, 2009, all hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8:00 a.m. to 7:00 p.m.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties should also send a copy of their filings to Patrick Forster, Office of Engineering and Technology, Federal Communications Commission, Room 7-A266, 445 12th Street, S.W., Washington, D.C. 20554, or by e-mail to patrick.forster@fcc.gov. Parties must also serve one copy with the Commission's copy contractor, Best

Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com.

Office of Engineering and Technology contact: Patrick Forster at (202) 418-7061.

By the Chief, Office of Engineering and Technology.

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